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Remarks

Claims 1, 7, 8 and 25 stand rejected under 35 USC 102(b) as being anticipated by US patent '642 due to Lalikos. Claims 2, 3, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Lalikos. Claims 10, 11, 15, 16 and 21 through 24 stand rejected under 35 USC 103(a) as being unpatentable over Lalikos in view US '722 due to Dahn.

In responding to these rejections, the Applicant has amended independent claims 1 and 25 to include the limitations of claims 2 and 15 respectively. Amended claims 1 and 25 are therefore no longer anticipated by Lalikos, since that patent does not disclose the additional features of claims 2 and 15. The preambles of independent claims 1 and 25 have also been amended to emphasize that the subsequent limitations apply to a **bent** pipe element. Lalikos also fails to disclosed this limitation. The Applicant also submits that amended claims 1 and 25 are non obviousness for the following reasons. Both the '642 patent due to Lalikos as well as the '722 patent due to Dahn are exclusively concerned with the reduction of noise caused by resonant vibrations in the exhaust pipe element (see for example column 1 line 55 through 61 of '642 as well as column 1 lines 50 to 59 of '722). In contrast thereto, the configuration in accordance with the invention recites specific diameter ratios which do not suppress resonant effects, rather prevent damage to the pipe element when it is bent through a large angle (as emphasized throughout the specification). Neither the '642 patent or the '722 patent provide any motivation to one of average skill in the art to optimize the exhaust gas element in the manner claimed. On the contrary, the '642 and the '722 references can only provide suggestions to one of average skill in the art which optimize the geometry of the undulations themselves in such a fashion as to

suppress resonant noise. In contrast thereto, the limitations of the claimed invention are tailored in a particularly unique manner to facilitate large angular bends without distortion of the individual undulations. Such deformations of bent pipe elements are not discussed in either the '642 or the '722 references. The flexibility of the conductive element as provided by the configuration of the undulations in accordance with the claimed invention is not only dependent upon the geometry of the undulations themselves, rather on the actual diameter ratios ("D" and "d" in accordance with figures 1 and 2). This must be contrasted with the goals of the '642 and '722 references, whose avoidance of resonances depends only on the geometry of the undulations themselves ('h', 'H', 't', 'T' see drawings of the '642 patent). The associated diameter ratios do not effect the resonant behavior of the pipe.

The dependent claims of record inherit the limitations of the amended independent claims and are therefore similarly distinguished from the prior art for the reasons given. The amendments to claims 7 and 8 have been taken to remove dependencies on cancelled intermediate claims. The Applicant therefore believes this application to be in a position of allowance and respectfully requests the Examiner to pass this application onto issuance.

No new matter has been added in this amendment.

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Respectfully submitted,

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